

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DONALD RAY WOMBLE, JR. and	§	
MARISSA ADELE WOMBLE,	§	
Plaintiffs,	§	
	§	Case No. 4:15-cv-00496-ALM
v.	§	
	§	
NATIONAL CREDIT SYSTEMS,	§	
INC.,	§	
Defendant.	§	

DEFENDANT NATIONAL CREDIT SYSTEMS, INC.'S ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, National Credit Systems, Inc., Defendant herein, and files its Answer to Plaintiffs' Complaint and to respectfully show unto the Court as follows:

PRELIMINARY STATEMENT

1. Defendant admits that Plaintiffs allege violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692 et seq. Defendant denies the remaining allegations in Paragraph 1.

JURISDICTION AND VENUE

2. Defendant admits Paragraph 2.

3. Defendant admits Paragraph 3.

PARTIES

4. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 4, therefore Defendant denies it.

5. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 5, therefore Defendant denies it.

6. Defendant admits that it sometimes acts as a “debt collector.” Defendant lacks information or knowledge sufficient to form a belief about the truth of the remaining allegations of Paragraph 6, therefore Defendant denies them.

7. Defendant lacks information or knowledge sufficient to form a belief about the truth of the allegations of Paragraph 7, therefore Defendant denies them.

8. Defendant admits Paragraph 8.

FACTS COMMON TO ALL COUNTS

9. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 9, therefore Defendant denies it.

10. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 10, therefore Defendant denies it.

11. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 11, therefore Defendant denies it.

12. Defendant lacks information or knowledge sufficient to form a belief about the truth of Paragraph 12, therefore Defendant denies it.

13. Defendant denies Paragraph 13.

14. Defendant denies Paragraph 14.

15. Defendant denies Paragraph 15.

16. Defendant denies Paragraph 16.

17. Defendant denies Paragraph 17.

COUNT I

18. Defendant incorporates its previous responses as if fully set forth.

19. Defendant denies Paragraph 19.

COUNT II

- 20. Defendant incorporates its previous responses as if fully set forth.
- 21. Defendant denies Paragraph 21.

COUNT III

- 22. Defendant incorporates its previous responses as if fully set forth.
- 23. Defendant denies Paragraph 23.

COUNT IV

- 24. Defendant incorporates its previous responses as if fully set forth.
- 25. Defendant denies Paragraph 25.

COUNT V

- 26. Defendant incorporates its previous responses as if fully set forth.
- 27. Defendant denies Paragraph 27.

COUNT VI

- 26. Defendant incorporates its previous responses as if fully set forth.
- 27. Defendant denies Paragraph 28.

AFFIRMATIVE DEFENSES

- 28. Plaintiffs have failed to state a claim against Defendant upon which relief can be granted.
- 29. Plaintiffs have failed to mitigate their damages, if any.
- 30. Plaintiffs' damages, if any, are the result of a preexisting condition not caused nor exacerbated by Defendant.
- 31. Plaintiffs' damages, if any, were caused by a third party over which Defendant has no control.
- 32. Plaintiffs proximately caused their own damages, if any.

33. Any violation of the Fair Debt Collection Practices Act was not intentional, and resulted from a bona fide error within the meaning of 15 USC § 1692k;

WHEREFORE, PREMISES CONSIDERED, Defendant, respectfully prays that Plaintiffs take nothing herein, that said Defendant be dismissed with its costs, and all other and further relief, at law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

Robbie Malone, PLLC

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to Plaintiff's counsel **via CM/ECF** on this 14th day of August, 2015.

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